

Whistleblowing Policy and Procedure

Approved by:	GFM Board	Date:	11.12.2018
Maintained by:	GFM HR	Next review	11.12.2020

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The Trust is committed to conducting its business with honesty and integrity, and expects all staff to maintain high standards in accordance with their contractual obligations and the Trust's policies and procedures from time to time in force.

The Trust recognises that staff may be the first to recognise that there may be something wrong within the Trust. All organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

The Public Interest Disclosure Act 1998 protects staff who raise concerns from victimisation or harassment. In accordance with this Act, the Trust encourages its employees with serious concerns about any aspect of the Trust's work to come forward and voice those concerns, in confidence, within the Trust, rather than overlooking a problem or blowing the whistle outside.

Objective

This policy has been developed to ensure that an internal mechanism exists to encourage and enable employees to raise serious concerns about any aspect of the Trust's work (which do not meet the criteria for being dealt with as a complaint or grievance), in confidence and without fear of reprisals, to ensure that the Trust continues to provide the highest standards of service delivery.

With the exception of Safeguarding concerns, the Trust encourages staff to raise concerns initially with their immediate Line Manager and/or Headteacher by speaking to them in person or putting the matter in writing.

Safeguarding concerns should **only** be raised with the Designated Safeguarding Lead for the School/Trust. Where a member of staff has concerns that a student may be at risk of any safeguarding issue, (as outlined in the Trust's Safeguarding and Child Protection Policy), they should speak to the Designated Safeguarding Lead immediately.

A list of prescribed people and bodies that a member of staff can report malpractice to externally can be found on page 6.

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This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work.

Scope

This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff within the Trust and the Trust reserves the right to amend its content at any time. This Policy reflects the Trust's current practices and applies to all individuals working at all levels of the organisation, including the CEO, Headteachers, Heads of Department, members of the Senior Leadership Group, officers, directors, employees, consultants, contractors, trainees, home-workers, part-time and fixed-term workers, casual and agency staff (collectively referred to as "Staff" in this policy) who are advised to familiarise themselves with its content.

Principles

This policy is based on the following fundamental principles:

All staff have the right to raise concerns about perceived unacceptable practice or behaviour.

The responsibility for expressing concerns about unacceptable practice or behaviour rests with all staff, and under the Trust's Health and Safety Policy staff are expected to raise concerns about potential health and safety risks.

The Trust will not tolerate harassment or victimisation and will take action to protect staff when they raise a genuine whistleblowing concern that he or she believes is in the public interest.

The Trust will do its best to protect a member of staff's identity when he/she raises a concern and does not want his/her name to be disclosed. However, if the concern raised needs to be addressed through another procedure, e.g. disciplinary procedure, the member of staff may be asked to provide a signed statement as part of the evidence.

Appropriate advice and support will be made available to staff who raise concerns.

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Staff who raise concerns will be kept informed of the progress and outcome of any investigation.

The Trust will not tolerate malicious or vexatious allegations, which may be considered a disciplinary offence.

What is whistleblowing?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- child protection and/or safeguarding concerns;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of the Trust's internal policies and procedures including the Code of Conduct;
- conduct likely to damage the School's reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern that he/she believes is in the public interest relating to any of the above. If the member of staff has any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern) they should report it under this policy.

This policy should not be used for complaints relating to staff's own personal circumstances, such as the way they have been treated at work. In those cases they should use the Grievance Policy and Procedure or Anti-harassment and Bullying Policy as appropriate.

If a member of staff is uncertain whether something is within the scope of this

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policy they should seek advice from the Headteacher or the HR Office.

Raising a concern

Whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, staff must act to prevent the problem getting worse, to reduce potential risks to the health and safety of others, and to prevent themselves potentially being implicated.

The earlier a member of staff expresses a concern, the easier and sooner it is possible for the Trust to take action.

Staff are encouraged to raise concerns about the actions/behaviours of other Trust workers, private contractors and/or elected members, where they think something is:

- unlawful; or
- against the Trust's Standing Orders or policies; or
- falls below established standard or practice; or
- amounts to improper conduct.

Concerns about the welfare of pupils and young people should be raised as quickly as possible as a failure to do so could result in a child or young person being placed at risk. Sometimes concerns in relation to safeguarding can be minimised, especially when the reporter is not sure of what they may have observed.

It is not necessary to be completely sure about the concern - what is important is that concerns are raised that may need further investigation. It is important to remember that often it is the most vulnerable groups that are targeted by individuals who may seek to abuse those in their care. Therefore, these groups rely on responsible individuals to protect them and to safeguard their welfare.

To whom should a Whistleblowing concern be raised?

With the exception of Safeguarding concerns, the Trust encourages staff to raise concerns initially with their immediate Line Manager and/or Headteacher by speaking to them in person or putting the matter in writing. This will depend on the nature of the concerns, the seriousness and sensitivity of the issues involved

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and who is alleged to be involved. Team meetings and other opportunities can be used to ask questions and to seek clarification on issue that concern them.

However, where the matter is more serious, or the Line Manager/Headteacher has not addressed the concern, or the member of staff would prefer not to raise it with them for any reason, then they should contact the Chief Executive.

Alternatively, staff who feel that they cannot approach any of the managers within their own area may approach the HR Office or any member of the GFM Board.

How should the concern be raised?

Concerns should be raised in writing and include:

- reference to the fact that it is a whistleblowing disclosure;
- the background and history of the concerns;
- names, dates and places (where possible); and
- the reasons why the member of staff is particularly concerned about the situation.

Staff who feel unable to put the concern in writing, can telephone or meet the appropriate person.

Confidentiality

The Trust hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if a member of staff wants to raise his or her concern confidentially, the Trust will endeavour to keep his or her identity secret in so far as it is possible to do so when following this policy and procedure. If it is necessary for anyone investigating that member of staff's concern to know their identity, the Trust will discuss this with the member of staff first.

The Trust does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the Trust cannot obtain further information. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to their Line Manager, the Headteacher or alternatively, they may approach the HR Office or any member of the GFM Board and appropriate measures can then be taken to preserve confidentiality.

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If a member of staff is in any doubt they can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline:

Their contact details are:

Public Concern at Work
(Independent whistleblowing
charity)

Helpline: (020) 3117 2520
E-mail: whistle@pcaw.co.uk
Website: www.pcaw.org.uk

A list of prescribed people and bodies that a member of staff can report malpractice to externally can be obtained from:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

Responding to a concern

The action taken by the Trust will depend on the nature of the concern. The matters raised may:

- be investigated internally by an appropriate manager, e.g. another Trust Headteacher or Department Head;
- be referred to the Police;
- be referred to the external Auditor; and/or
- form the subject of an independent inquiry.

Support and Protection

'Blowing the whistle' can be difficult for the individual. The Trust will ensure that they do their best to protect the identity of the worker raising the concern and he/she is not subjected to harassment or victimisation from others. Staff will be given the contact details of people who can offer support and advice, e.g. HR, Trade Union representatives.

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The Trust will do its best to protect a member of staff's identity when he/she raises a concern and does not want his/her name to be disclosed. However, if the concern raised needs to be addressed through another procedure, e.g. disciplinary procedure, the member of staff may be required to provide a signed statement as part of the evidence. Staff may be asked to give evidence where legal proceedings arise.

Anonymous allegations

Anonymous allegations will be investigated at the discretion of the Trust after an assessment has been made of the nature and seriousness of the concerns, and the ability of the Trust to substantiate the allegations from other attributable sources.

Initial Enquiries

In order to protect individuals and the Trust, initial enquiries, (usually involving a meeting with the individual raising the concern), will be made to decide whether an investigation is appropriate and, if so, what form it should take. Normally concerns or allegations that raise issues that fall within the scope of other policies/procedures, (e.g. safeguarding & child protection, health & safety or discrimination issues), will be addressed under those procedures.

Some concerns may be resolved at this initial stage simply by agreed action or an explanation regarding the concern, without the need for further investigation.

Investigation

In some cases the Trust may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the Trust to minimise the risk of future wrongdoing.

The Trust will aim to keep the member of staff informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Trust from giving specific details of the investigation or any disciplinary action taken as a result. The member of staff is required to treat any information about the investigation as strictly confidential.

The response will explain how the matter was investigated, conclusions drawn from the investigation, and whom to contact should the worker be unhappy with the response and wish to raise the matter externally.

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Investigating persons should take care when communicating the outcome of an investigation to ensure that confidentiality is maintained where appropriate, e.g. if the investigation has subsequently led to disciplinary action against another employee.

Whilst the Trust cannot always guarantee the outcome a member of staff may be seeking, the Trust will try to deal with the concern fairly and in an appropriate way. If a member of staff is not happy with the way in which his or her concern has been handled, he or she can raise it with the Headteacher or alternatively, they may approach the HR Office or any member of the GFM Board of Executives.

Copies of all correspondence should be sent to HR for record keeping/monitoring purposes.

Untrue Allegations

If a member of staff raises a genuine whistleblowing concern that he or she believes is in the public interest, but it is not confirmed by the investigation, no action will be taken against that member of staff. If, however, there is clear evidence that a member of staff has made malicious or vexatious allegations, disciplinary action may be taken against that individual in accordance with the Trust's disciplinary procedures.

Unfounded Allegations

Following investigation, if an allegation is confirmed as unfounded this should be notified to the member of staff who raised the concern, who will be informed that the Trust deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

Records

The Trust is required to monitor the number and types of whistleblowing cases, and the outcomes, including actions taken to resolve the issues raised.

Review and Monitoring

The Trust is responsible for monitoring the implementation and effectiveness of this policy in accordance with agreed performance indicators:

- the number of concerns raised via the whistleblowing policy;

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- the nature and type of concerns raised;
- the number of concerns raised dealt with via the grievance and complaints procedures;
- the number of concerns resolved at the initial discussion stage of the procedure;
- the number of concerns investigated via other procedures, e.g. child protection, disciplinary and health and safety procedures; and
- the number of concerns raised externally.

The policy/procedures will be reviewed and their effectiveness evaluated annually in the light of learning points/issues raised or identified as part of the monitoring process.

External disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases staff should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage a member of staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

Whistleblowing concerns usually relate to the conduct of staff, but they may sometimes relate to the actions of a third party, such as a service provider. In some circumstances the law will protect you if you raise the matter with the third party. However, staff are encouraged to report such concerns internally first. Staff should contact one of the other individuals set out above for guidance.

Protection and support for whistleblowers

It is understandable that whistleblowers are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

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Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a member of staff believes that he or she has suffered any such treatment, he or she should inform the Headteacher or the CE immediately. If the matter is not remedied the member of staff should raise it formally using the School's Grievance Policy and Procedure.

Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the HR Office in the first instance.